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# REGULATIONS

RESPECTING

## GRAZING LANDS AND HAY LANDS

IN

MANITOBA, SASKATCHEWAN, ALBERTA,  
THE RAILWAY BELT IN BRITISH COLUMBIA  
AND YUKON TERRITORY.

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OTTAWA

GOVERNMENT PRINTING BUREAU

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## REGULATIONS

### Respecting Grazing Lands and Hay Lands in the Provinces of Manitoba, Alberta and Saskatchewan.

*(Established by Order in Council dated 27th July, 1905.)*

1. The issue of leases shall be confined to lands within the following described territory :—

Comprising that portion of the Province of Alberta which lies to the south of the north boundary of townships numbered 28.

Comprising that portion of the Province of Saskatchewan described as follows, viz. :—Commencing at the intersection of the north boundary of township 28 with the fourth meridian, thence easterly following the north boundary of townships numbered 28 to the west boundary of the South Saskatchewan River, thence southerly along the said west boundary of the South Saskatchewan River to a point opposite Aiktow Creek, thence across the said South Saskatchewan River to the mouth of the said Aiktow Creek, thence up the southerly side of Aiktow Creek and across the divide between said creek and the Qu'Appelle River to the head of the said Qu'Appelle River, thence down the southerly side of the Qu'Appelle River to its intersection with the third meridian, thence southerly along the said third meridian to the north boundary of township 12, thence easterly along the north boundary of townships numbered 12 to the west boundary of range 24, thence southerly along the said west boundary of range 24 to the north boundary of township 8, thence easterly along the north boundary of townships numbered 8 to the west boundary of range 18, thence southerly along the said west boundary of range 18, to the north boundary of township 4, thence easterly along the north boundary of townships numbered 4, to the west boundary of range 15, thence southerly along the west boundary of range 15 to the international boundary, thence westerly along the international boundary to the fourth meridian, thence northerly along the fourth meridian to the point of commencement.

2. The term of a lease shall be for a period not exceeding twenty-one years, and no lease shall cover a greater area than 100,000 acres.

3. Should the Governor in Council at any time during the term of the lease think it to be in the public interest to withdraw the lands therein described, or any portion thereof, or to cancel the lease for any reason, the Minister of the Interior may, on giving the lessee two years' notice, withdraw such lands or cancel the lease.

4. The lessee shall pay an annual rental at the rate of two cents for every acre covered by his lease, and shall within each of the three years from the date of the lease, place upon the tract of land leased not less than one-third of the whole number of the stock which is required to be placed upon the said tract, namely, one head of cattle or five head of sheep for every twenty acres of land covered by the lease, and shall, during the rest of its term, maintain cattle thereon in that proportion. The lessee will be required to furnish a return to the Department of the Interior on the 1st of July in each year showing the number of head of stock on the leasehold owned by the lessee. Should the number of stock on the leasehold, after the expiration of the period in which



the lessee is required under these regulations to have the requisite number of stock placed thereon, be less than the number mentioned in this clause, the lessee shall be liable on receiving three months' notice to have withdrawn from his leasehold an area of twenty acres for each head of stock less than the number which the regulations provide he shall place on the leasehold.

5. Before a lease is issued it will be necessary for the applicant to either homestead land or purchase 160 acres within the tract applied for at the rate of \$3 per acre as a home farm and corral, and the lessee will be required to place his buildings thereon within one year from the date of the lease.

6. If any of the lands leased produces hay, the lessee is not entitled to use, sell or barter the same, but the lessee may, upon applying to the Agent of Dominion Lands in whose district the land is situated, obtain in accordance with the regulations in that behalf the first permit free of dues, to cut so much of the hay as the lessee actually requires for the use of his own stock, provided the rental of the leasehold has been paid. The agent may then issue permits to other applicants and the permittees will be entitled to enter upon the leasehold to cut and remove the quantity of hay specified in their permits subject, however, to such conditions as the Minister of the Interior may think proper for the protection of the lessee.

7. Leases can only be acquired by owners of stock, and if the leasehold has been secured by misrepresentation as to the ownership of the stock, or other material facts, the lease may be summarily cancelled.

8. Before an application can be considered it will be necessary for the applicant to post up notices of his application in at least four conspicuous places on the lands applied for, and also in the nearest post office for thirty days, and make a statutory declaration of having done so. Leases may be granted for an area of land at the rate of sixty acres for each head of cattle, or five sheep, of which the applicant is the owner at the time he makes his application, and a statutory declaration must be furnished as to the number of stock and the owner thereof. A report shall also be obtained by the Department of the Interior from the Inspector of Ranches that upon inspection of the land applied for he found it unfit for agricultural purposes. He shall also report as to whether and to what extent the land is occupied, and if so, by whom and what improvements, if any, there are upon it; the names of the owners of stock grazing within six miles of the land applied for; the number of stock owned by each, and the location of the owners' headquarters. That in case of dispute as to the land to be leased to each owner of stock, the decision of the Minister of the Interior shall be final.

9. The frontage of a leasehold on a lake, river or creek shall not exceed one mile for every four miles in depth.

10. The lessee will not be entitled to break or crop any portion of the leasehold.

11. No person shall be allowed to place sheep on Dominion Lands except in such tracts as have already been or may at any future time be specially set apart for that purpose by the Minister of the Interior.

12. Failure to fulfil any of the conditions of his lease shall subject the lessee to forfeiture thereof.

13. The lease shall be in such form as may be determined by the Minister of the Interior, in accordance with these regulations.

#### LEASES OF SCHOOL LANDS FOR GRAZING.

The lease shall be for a term not exceeding 5 years, and shall be revocable at any time during the currency thereof when it may be deemed advisable by the Minister of the Interior to offer the land so leased for sale by public auction in the interests of the School Endowment, or for any other reason. The lessee in



such case shall receive three months' notice of the intention of the Minister to terminate the lease, but shall not be entitled to compensation for any improvements made by him on the lands so leased.

In Manitoba the rental shall be at the rate of six cents per acre per annum, and in Alberta, Saskatchewan and the North-west Territories at the rate of four cents per acre per annum, except where there is more than one applicant for any one lease, in which case the lease shall be put up for tender at the upset rental of six cents per acre in Manitoba and four cents per acre per annum in Alberta, Saskatchewan and the North-west Territories.

The lessee shall not break up or cultivate the land included in the lease, and shall not place upon it any structures other than such fences or corrals as may be required for the keeping of his cattle, or temporary stables necessary for their shelter.

#### PERMITS TO CUT HAY.

Permits to cut hay may be granted by any Agent of Dominion lands or other officer appointed for the purpose by the Minister of the Interior, upon any Dominion or School Lands at the disposal of the Crown, and permits thus granted shall vest in the permittee exclusive rights of ownership as to the hay upon such lands, and the permittee shall be deemed to be in possession of the land described in his permit.

Applications for permits to cut hay may be received after the first day of January, and permits may be issued on and after the first day of April in each year. If before the first day of April more than one permit is applied for covering any section or sections of land or any portion of any section, the Agent, if he cannot arrange a division of the land to suit the several applicants, may post a notice in his office calling for tenders for the purchase of the hay upon such lands, and shall issue a permit to the person who may offer the highest cash bonus over and above the regular rates.

No hay shall be cut on Dominion Lands prior to a date to be fixed each year by the Minister of the Interior, which date may vary according to whether the season be early or late.

The applicant will be required to pay an office fee of 50 cents before he can obtain a permit.

The rates chargeable for permits shall be, to actual settlers who require the hay for their own use, 10 cents per acre or 10 cents per ton, and to all other persons the rate shall be 50 cents per acre or 50 cents per ton, to be paid in full at the time of application.

The Agent may, in his discretion, issue a permit covering a specified area of land or a specified quantity of hay as the circumstances of the case may, in his opinion, render advisable.

#### LEASES TO CUT HAY.

Leases of School Lands in Alberta, Saskatchewan and the North-west Territories for the purpose of cutting hay thereon, may be issued for a term not exceeding five years; provided that a lease shall not issue to any person for more than a section or less than a quarter-section, and that such lease shall be revocable at any time it may be deemed advisable by the Minister of the Interior to offer the land so leased for sale by public auction in the interests of the School Endowment or for any other reason, and that in such case the lessee shall receive three months' notice of the intention of the Minister to terminate the lease, but shall not be entitled to compensation for any improvements made by him; and further, that in case of there being only one applicant for the lease of a school section, or any part thereof, the rental shall be at the rate of 25 cents per acre per annum, but where



there is more than one applicant for such lease, it shall be put up for tender at an upset rental of 25 cents per acre per annum, which would be the product of a minimum price of \$5 per acre, provided the money were invested at 5 per cent per annum.

A settler in the vicinity of unoccupied hay lands may obtain a lease for an area thereof not exceeding one-fourth of a quarter-section, or forty acres, for such term and at such rent as the Minister deems expedient; but such lease shall not operate to prevent, at any time during its term, the sale or settlement of the land; and in the case of such sale or settlement, the lessee shall be paid by the purchaser or settler, for fencing or other improvements made, such sum as the local agent determines; and the lessee shall be allowed to remove any hay he has cut.

#### CUTTING HAY WITHOUT AUTHORITY.

The permit or lease shall describe the lands upon which the hay may be cut, and shall during its continuance vest in the permittee or lessee the exclusive right of ownership to the hay upon such lands, whether such hay is cut by his authority or by any person without his authority, and such permit or lease shall entitle the permittee or lessee to seize in replevin, revendication or otherwise, as his property, such hay where the same is found in the possession of any unauthorized person, and also to bring any suit or action against any person unlawfully in possession of such hay, and to prosecute all persons cutting hay in trespass upon the land covered by the permit or lease to conviction and judgment and to recover damages, if any, and all proceedings pending at the expiration of any such permit or lease may be continued and completed, as if the permit or lease had not expired. The holder of a permit may bring and maintain actions for trespass committed at any time before the expiry of his permit upon the lands described therein.



## REGULATIONS

### For the Administration of Grazing and Hay Lands in the Railway Belt in British Columbia.

*Approved by Orders in Council of 4th June, 1904, and 5th July, 1904.*

1. Leases of grazing lands in the Forty-mile Railway Belt in the Province of British Columbia may be granted by the Minister of the Interior for a period not exceeding twenty-one years, and no single lease shall cover a greater area than 100,000 acres.

2. Every lease shall contain a condition that the Minister of the Interior may at any time during the term of the lease give the lessee notice of the cancellation thereof, and at the end of two years from the service of such notice such lease shall cease and determine.

3. In surveyed territory the land embraced by the lease shall be described by townships and sections. In unsurveyed territory, if required by the Minister of the Interior, the party to whom the lease may be promised shall, before the issue of the lease, cause a survey of the tract to be made at his own expense, by a Dominion Land Surveyor, under instructions from the Surveyor General, and the plan and field notes of such survey shall be deposited on record in the Department of the Interior.

4. (a) The lessee shall pay an annual rental at the rate of two cents for every acre covered by his lease, and shall within each of the three years from the date of the lease, place upon the tract of land leased not less than one-third of the whole number of the stock which is required to be placed upon the said tract, namely, one head of cattle for every twenty acres of land covered by the lease, but not to exceed that number, and shall during the rest of its term maintain cattle thereon in that proportion.

(b) The lessee, shall, from time to time, as required by the Minister of the Interior, furnish returns of the number of stock owned by him.

5. After placing the prescribed number of cattle upon the tract leased, the lessee may be authorized by the Minister to purchase a reasonable area of land within his leasehold for a home farm and corral, paying therefor at the price per acre in cash obtaining in the class in which the lands so purchased may be situated.

6. The whole or any part of any lands authorized to be leased shall be open to homestead and pre-emption entry, or to be purchased from the Government at the price obtaining in the class in which the lands are situate, upon application being made therefor, and as entries are granted or purchases effected, the lease shall become void in respect of the land so entered or purchased.

7. A lessee of grazing lands shall not be permitted to homestead lands within any tract leased to another for grazing purposes.

8. Failure to fulfil any of the conditions of his lease shall subject the lessee to forfeiture thereof.

9. Whether he be a lessee or not a lessee, no person shall be allowed to place sheep upon Dominion Lands in the Forty-mile Railway Belt in British Columbia without permission in writing being first had and obtained from the Minister of the Interior. No person shall be allowed to graze stock of any kind upon the public domain, without the consent of the Minister of the Interior being first obtained.



## REGULATIONS

### For the Administration of Grazing and Hay Lands in the Yukon Territory.

*Approved by Orders in Council dated the 5th January, 1901, and 8th April, 1902.*

1. Leases of grazing lands in the Yukon Territory shall be for a period not exceeding ten years. The lessee shall pay in advance an annual rental at the rate of \$100 for every square mile covered by his lease.

2. If the lands applied for have been surveyed they shall be described in accordance with such survey. If unsurveyed, the applicant shall be required to define and properly mark one corner of the ground applied for by a legal survey and to lay off the ground from such corner. He shall furnish such a description as the Crown Timber and Land Agent shall consider sufficient to properly define the location of the lands.

3. Leases of hay lands in the Yukon Territory shall be for a period not exceeding ten years. The lessee shall pay in advance an annual rental at the rate of 50 cents for every acre covered by his lease.

4. The applicant for a hay lease shall furnish a sufficient description of the lands, and if no survey thereof has been made he shall have such survey made at his own expense.

5. The whole or any portion of the lands covered by the lease, unless otherwise provided for in such lease, shall be open to be purchased from the Government at the price obtaining in the class in which the lands are situated and shall be open to entry as a mineral claim upon application being made therefor, and as entries are granted or purchases effected, the lease shall become void in respect to the lands so entered for or purchased.

6. Failure to fulfil any of the conditions of the lease will subject the lessee to forfeiture thereof.

7. The lease shall be in such form and contain such conditions not inconsistent with these regulations, as may be approved of by the Minister of the Interior.

#### PERMITS FOR HAY.

8. Permits for hay lands shall be granted by the Crown Timber and Land Agent, subject to the regulations in that behalf, and permits thus granted shall vest in the permittee the exclusive rights of ownership as to the hay upon the lands covered by the permit.

9. Applications for permits to cut hay may be received after the 1st day of February, and permits may be issued on and after the 1st day of May in each year. If before the 1st day of May more than one permit is applied for covering any particular piece of land, the Agent, if he cannot arrange a division of the land to suit the several applicants may post a notice in his office calling for tenders for the purchase of the hay on such land, at the same time advising each of the applicants of such notice, and shall issue a permit to the person who may offer the highest cash bonus over and above the ordinary dues.



**10.** No hay shall be cut on Dominion Lands prior to a date to be fixed each year by the Crown Timber and Land Agent, which date may vary according to whether the season be early or late.

**11.** The applicant will be required to pay an office fee of \$2 before he can obtain a permit.

**12.** The rates chargeable for permit shall be \$1 per ton to be paid in full at the time of the application.

#### PERMITS FOR GRAZING.

**13.** At all important points in the Yukon Territory where it may be considered advisable by the Crown Timber and Land Agent, a certain area may be reserved for general public use and for cattle grazing, the area so reserved to be decided by the Crown Timber and Land Agent and the Commissioner, and in case of dispute the decision of the Commissioner shall be final. Owners or purchasers of cattle may graze cattle upon the reserves in question upon furnishing such evidence, by statutory declaration or otherwise, as may satisfy the Crown Timber and Land Agent that such privilege should be granted them, subject, however, to the payment of a tax at the rate of five cents per day for each head of cattle which they may place upon such reserve.



















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